

**STATE WATER CONTROL BOARD ENFORCEMENT ACTION
SPECIAL ORDER BY CONSENT
ISSUED TO
HONEYWELL INTERNATIONAL INCORPORATED
Permit No. VA0005291**

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code §§ 10.1-1185 and 62.1-44.15(8a) and (8d), between the State Water Control Board and Honeywell International Incorporated, for the purpose of resolving certain violations of environmental law and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. “Va. Code” means the Code of Virginia (1950), as amended.
2. “Board” means the State Water Control Board, a permanent citizens’ board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. “Department” or “DEQ” means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. “Director” means the Director of the Department of Environmental Quality.
5. “Order” means this document, also known as a Consent Special Order.

6. “Honeywell” means Honeywell International Incorporated, certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
7. “Facility” means the Honeywell International Incorporated /Hopewell Performance Polymer Plant located at 905 East Randolph Road in Hopewell, Virginia.
8. “PRO” means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
9. “Permit” means VPDES permit No. VA0005291, which became effective March 31, 1995, and expired March 31, 2000. The permit has been administratively continued by the Department.
10. “O&M” means operations and maintenance.
11. “CSO” means Consent Special Order.
12. “NOV” means a Notice of Violation.

SECTION C: Findings of Fact and Conclusions of Law

1. Honeywell owns and operates a chemical manufacturing facility in Hopewell, Virginia. The Facility is the subject of VPDES permit VA0005291, which allows Honeywell to discharge treated wastewater into Gravelly and Poythress Runs in strict compliance with terms, limitations and requirements outlined in the Permit.
2. The Department issued a NOV to Honeywell on November 20, 2000. The NOV cited four ammonia effluent violations and two unauthorized discharges, which occurred in July and September 2000. Honeywell submitted corrective action plans to address the cited discharges in letter to DEQ dated January 3, 2001, and thereafter completed the plans.
3. Honeywell telephoned the Department on December 22, 2000, to report an unauthorized discharge from the Facility. The discharge occurred on December 21, 2000. Honeywell reported in a December 27, 2000, letter that the discharge contained a CO₂ scrubbing liquid containing methyldiethanolamine (MDEA), piperazine and trace amounts of hydraulic oil. According to Facility personnel, the main compressor in the Kellogg Ammonia Plant shut down causing the discharge. Honeywell also stated that a composite sample collected during the discharge indicated a Total Organic Carbon (TOC) level of 264.1 mg/l. Honeywell’s permit, limits TOC to 10 mg/l. The Department issued a NOV to Honeywell for the above violation on January 23, 2001. Honeywell submitted a corrective action plan to address the MDEA discharge from the Kellogg plant in a letter to DEQ dated March 12, 2001, and thereafter completed implementation of the plan.

4. The Department met with Honeywell on January 10, and March 14 of 2001, to discuss the causes and corrective actions for the unauthorized discharges cited in the November 2000 and January 2001 NOV's.
5. On October 30, 2001, Honeywell reported a spill of sodium hydroxide that entered Gravelly Run through outfall 001. Based on Honeywell's report and an on-site investigation by Department staff on October 31, 2001, the release caused a pH excursion for 4 hours and 12 minutes, an exceedance of water quality standards, and a fish kill. The Department issued a NOV to Honeywell for the above violations on January 11, 2002. On February 28, 2002, Honeywell submitted a letter that contained a list of corrective actions taken to prevent future violations.
6. The Department met with Honeywell on February 12, 2002, and on May 1, 2002 to discuss the causes and corrective actions for the unauthorized discharge cited in the January 2002 NOV and to review the draft Order.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a) and (8d), orders Honeywell, and Honeywell voluntarily agrees, to pay a civil charge of \$47,280 within 60 days of the effective date of the Order in settlement of the alleged violations cited in this Order. The payment shall note that it is being made pursuant to this order and shall note the Federal Identification Number for Honeywell. Payment shall be by check, certified check, money order, or cashier's check payable to "Treasurer of Virginia" and sent to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Honeywell, for good cause shown by Honeywell, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those alleged violations specifically identified herein. This Order shall not preclude the Board or the Director from taking any action authorized by law, including, but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; and/or (3) taking subsequent action to enforce the terms of this Order. Nothing herein shall affect appropriate enforcement actions by other federal, state, or local regulatory authority, whether or not arising out of the same or similar facts.

3. In the interest of resolving this matter without additional delay and expense of litigation Honeywell agrees to entering into this Consent Order, but neither admits nor denies the Findings of Fact or the Conclusions of Law herein.
4. Honeywell consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Honeywell declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *et seq.*, and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Honeywell to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Honeywell shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Honeywell shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Honeywell shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Honeywell. Notwithstanding the foregoing, Honeywell agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall terminate upon Department's receipt of the payment described in Section D of this Order. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Honeywell from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
13. By its signature below, Honeywell voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of _____, 2002.

Robert G. Burnley, Director
Department of Environmental Quality

Honeywell voluntarily agrees to the issuance of this Order.

By: _____

Date: _____

Commonwealth of Virginia

City/County of _____

The foregoing document was signed and acknowledged before me this _____ day of
_____, 2002, by _____, who is
(name)

_____ of Honeywell, on behalf of the Corporation.
(title)

Notary Public

My commission expires: _____.